

REMARKS

Claim 17 and withdrawn claims 1, 27 and 30 have been amended by limiting the polymer particles to "organic" polymer particles.

In paragraph 1, the Examiner reviews the status of his prior restriction requirement. The Examiner's handling of the disposition of the Election by Applicants is confusing. To clarify, the Restriction requirement of August 2, 2005 dealt with both a restriction of multiple invention under 35 USC 121 and an election of patentable distinct species. On the former issue, Applicants have elected the invention of Group I, Claims 1-26 for Examination.

On November 3, 2005, Applicants then elected species in categories (a), (b), and (c) to be those identified in claims 17, 6, and 19, respectively. Applicants noted that claims 1, 2, 5-12, and 15-23 read on this species election (through either specific or generic claims language). Now, in the Office Action of November 28, 2005, the Examiner has withdrawn all but claims 17-19 from consideration arguing that claim 1 is distinct from claims 17-19 since it does not require a transparent polymeric support.

Applicants respectfully disagree with the Examiner's actions. It is not seen how the film of claim 1 and of claim 17 are independent and distinct. These claims were not separated for purposes of the Section 121 restriction. From the species standpoint, claims 1 and 17 are not independent or distinct since claim 1 is clearly generic to claim 17. Claim 1 does not exclude a transparent polymeric support. A film as in claim 1 including a transparent polymeric support would come within claim 1 since it is a comprising claim. Thus, claim 1 is generic to claim 17 and not independent and distinct.

In the prior response, Applicants had indicated that, claims 1, 2, 5-12, 15, 16, and 20-23 read on the elected species. Claim 1 neither requires nor prohibits a transparent polymeric support and should be examined as generic. None of the other claims listed by Applicants in the species election is specific to a non-elected species. Applicants statement of applicable claims should have been interpreted by the Examiner as a traverse since he clearly disagrees with Applicants election of claims. It is also of interest what happened to claim 6. Applicants elected the binder species of claim 6 but the Examiner has withdrawn claim 6. In summary, Applicant continues to believe that claims 1, 2, 5-12, and

15-23 read on the elected species of claims 17, 6, and 19 and those claims should be examined. Claim 1 is not a species distinct and independent from the species of claim 17 since claim 1 is generic to claim 17.


Turning to the rejection under 35 USC 102, the present amendment serves to limit the material of the preformed bead to an organic polymer. The Examiner relies on Saitou et al., US 2003/0180520, as disclosing the use of inorganic porous silica particles disposed in an organic ionization-curable organic binder. The Examiner notes that the silica particles are inherently an inorganic polymer. In contrast, the present invention, as now amended, is directed to preformed porous organic polymer particles meaning carbon based polymeric materials rather than silicon based materials.

Applicants hereby request rejoinder of the withdrawn species claims for consideration of patentability of the generic claims and the claims to the non-elected species, and claims 29-40 for making the patentable film of claim 1.

The Examiner suggests that the specific surface area of a particle is inherently proportional to its diameter. This statement is only true for a non-porous sphere. A porous particle can have a surface area far in excess of the surface area of a corresponding sphere of the same diameter. See for example Table 1 at page 23 of the specification, col. 4, wherein the surface area per gram is about 100 times greater for the inventive particles than for the non-porous particles.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



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